IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 14371 of 2007(J)

PETITIONERS:

----

1. **MOHIYUDEEN.P.A., SECTION OFFICER,**
   NOW WORKING AS STORE KEEPER IN SCHOOL OF DRAMA AND FINE ARTS, UNIVERSITY OF CALICUT, ARANATTUKARA, P.O.THRISSUR, PIN-680 618.

2. **VANAJA.P.R., SECTION OFFICER,**
   NOW WORKING AS SELECTION GRADE ASSISTANT, DEPARTMENT OF ECONOMICS, UNIVERSITY OF CALICUT, ARANATTUKARA, THRISSUR.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENT:

UNIVERSITY OF CALICUT,
REPRESENTED BY REGISTRAR, UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.-673 635.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.14371/2007 J

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE OFFICE ORDER OF THE UNIVERSITY OF CALICUT NO.AD.A.1/2406/2002 DTD. 30/05/2005.**

EXT.P2: **COPY OF THE CIRCULAR NO.AD.A1/2406/2002 (SUB FILE) DTD. 29/03/2007 ISSUED BY THE UNIVERSITY.**

EXT.P3: **COPY OF THE REPRESENTATION MADE BY THE 1ST PETITIONER DTD. 25/04/2007.**

EXT.P4: **COPY OF THE REPRESENTATION MADE BY THE 2ND PETITIONER DTD. 26/04/2007.**

/TRUE COPY/

P.S.TO JUDGE

KSS

A.K. Basheer, J.

- -

W.P(C) No.14371 of 2007

- -

Dated this the 12th day of June, 2007.

J U D G M E N T

Petitioners admittedly belong to the cadre of Section Officer in the University of Calicut. Petitioner No.1 is stated to be working as Store Keeper in the school of Drama and Fine Arts under the University at Aranattukara in Thrissur on "outstation general transfer" since 2002. Similarly, petitioner No.2 is now working as Selection Grade Assistant in the Department of Economics under the University at Aranattukara, Thrissur since 2002.

2. It is not in dispute that the "outstation transfer" referred to above was for a period of 3 years from 2002. According to the petitioners, on completion of the period of 3 years after transfer, the Vice Chancellor had extended the term for a further period of 3 years on compassionate grounds. A copy of the said order passed by the University on May 30, 2005 in this regard has been produced as Ext.P1. It is contended that by virtue of Ext.P1 order, petitioners are entitled to continue at Thrissur till May 2008.

3. But the grievance of the petitioners is that the University has now issued Ext.P2 circular inviting applications from Assistants in the University who are willing to be transferred and posted to the 11 Centres named in the said circular. The two outstation departments in which the petitioners are now continuing are also indicated in Ext.P2 circular. It is seen mentioned in Ext.P2 that selection from among willing Assistants who opt for transfer will be on the basis of seniority. Petitioners apprehend that they are likely to

be shifted from Thrissur and they may have to go back to the University centre. Petitioners therefore pray for issuance of a writ of certiorari to quash Ext.P2 circular to the extent the University has included in Ext.P2 the two centres at Thrissur where the petitioners are now working. There is a further prayer to issue a direction to the respondent to take a decision on Exts.P3 and P4 representations submitted by the petitioners before further action is taken pursuant to Ext.P2 circular.

4. It may be true that the term of petitioner's outstation duty was extended till May 2008. But that does not mean that the petitioners should be allowed to continue at Thrissur till the expiry of the extended period. It is purely at the discretion of the University to decide whether other willing employees of the University are to be accommodated at out station centres, in which event petitioners may or may not be disturbed. In any view of the matter, I do not find any justification to allow the prayer made by the petitioners to quash Ext.P2 circular.

It will be open to the respondent to consider and pass orders on Exts.P3 and P4 in accordance with law, if they have been preferred as contended by the petitioners. This shall be done as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment after affording sufficient opportunity to the petitioners to be heard.

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

an.